

EXHIBIT 1

ZONING LOCAL LAW

of the

Village of Airmont

County of Rockland
State of New York

December 23, 1992

Adopted January 11, 1993

Amended January 30, 1997

ARTICLE III **Use Regulations**

1. General requirements.

The general requirements affecting the use of buildings, structures and land for each of the districts established by Article II are hereby established and set forth in this Article.

2. Use regulations.

The following sections specify all uses permitted by right as well as all conditional uses, special permit uses and accessory uses.

3. Utilization of use regulations.

Any use not identified as a permitted use, conditional use, special permit use or accessory use shall be deemed prohibited. Any use indicated as conditional shall be deemed prohibited unless approved in a manner specified by this local law. Where conditional uses are identified by generic word or description, the Planning Board shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Planning Board shall consider to what extent the proposed use is alike, in land use impacts, the class of use indicated in the list.

4. Prohibited uses.

The uses which are listed in this section are specifically prohibited in the Village, subject to the qualifications set forth in Article II, Section 4D.

A. Manufacturing uses involving primary production of the following products from raw materials:

- (1) Asphalt, cement, charcoal and fuel briquettes.
- (2) Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulfuric acids.
- (3) Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size.
- (4) Linoleum and oilcloth; matches; paints, varnishes and turpentine.
- (5) Rubber (natural or synthetic); soaps, including fat-rendering; starch.

B. The following processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining,

smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations.

- C. Operations involving stockyards and slaughterhouses, grain elevators, slag piles and keeping, breeding and raising of pigs or cattle for commercial purposes.
- D. Storage of explosives, except under license from the State of New York and in a manner and place conforming to the laws of the State of New York and the American Table of Distances and provided that no more than five thousand (5,000) pounds is stored in any one (1) magazine.
- E. Bulk or wholesale storage of gasoline above ground.
- F. Dumps, sanitary landfills, recycling centers, resource recovery facilities and junkyards, except those operated by the Village or operated under contract to the Village.
- G. Quarries, stone crushers, screening plants and storage of quarry screenings.
- H. Incineration of waste materials except in a plant owned and operated by the Village.
- I. Disposal of septic or sewage wastes.
- J. Any other use, whether specified above or not, that is of such a nature as to be detrimental to neighboring properties by reason of emission of odor, dust, refuse matter, garbage, smoke, vibration, gas, radiation, noise or any other factor that is dangerous to the comfort, peace, enjoyment, health or safety of the area or the community.
- K. Free-standing water towers and freestanding water tanks, located below, on or above ground are not permitted, except that such a tower or tank, owned and operated by a public utility shall be allowed, as a conditional use of the Planning Board, on plots of three (3) acres or more, subject to approval of the Village Board.
- L. Contractors storage yards, except in the PI District.
- M. Mini-storage facilities.
- N. Bus storage and repair facilities.

- O. Refuse or garbage truck maintenance or storage facilities.
- P. Roadside mobile lunch wagons.
- Q. Truck or bus body repair and painting.

5. Zoning district use regulations.

**5.1 RR-80 Rural Residential District Regulations
(Minimum 80,000 sq. ft./lot)**

A. Uses Permitted by Right.

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor or dust producing substance within a distance of 200 feet from any lot line:
 - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
 - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) Free-standing Place of Worship, parish houses and rectories, but not including schools of general instruction, religious instruction or buildings for religious instruction.
- (3) One-family detached residences, with not more than one principal residential building on a lot.
- (4) Community residence facilities, subject to Village Board approval as to site selection, pursuant to Section 41.34 of the Mental Hygiene Law.
- (5) Residential Place of Worship
- (6) Neighborhood Place of Worship

B. Conditional Uses by Planning Board, subject to Articles XI and XII.

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of 3 acres or more.
- (3) Outdoor recreation facilities, including golf courses, tennis courts, ice-skating rinks, swimming pools, parks, playfields and ski areas, subject to Article XII, Section 5, but excluding miniature golf courses, batting cages, driving ranges and tennis ranges.

- (4) Accessory to outdoor recreation facilities, uses such as rest rooms, locker rooms, shelters and clubhouses for membership clubs.
- (5) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (6) Camps and day camps, subject to Article XII, Section 5.
- (7) Nursery schools.
- (8) One family detached residences subject to Section 7-738 of the Village Law pursuant to Article IV, Section 4. (Average Density)
- (9) Accessory home professional offices.
- (10) Libraries, museums and art galleries.
- (11) Family and group care facility (Non-Padavan).
- (12) Keeping, breeding and raising of cattle, including dairies, sheep, goats and horses on lots of 20 acres or more, but not within 100 feet of any lot line.

None of the foregoing shall be construed to permit the commercial raising of pigs or agricultural industries, such as cage-type poultry operations or processing of animal products not raised on premises.

- (13) Accessory home occupations.
- (14) Schools of general or religious instruction and buildings for religious instruction, provided that there shall be no residential uses upon the lot other than a guard or caretaker's dwelling.
- (15) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto, except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood, having adequate fences and other safety devices, screening and landscaping.

C. Uses by Special Permit of Village Board or Zoning Board of Appeals (subject to Article XVI and Article XV, Section 2.)

Village Board

(1) Cemeteries on lots not exceeding ten (10) acres adjacent to an established cemetery or place of worship.

Zoning Board of Appeals

(2) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Board of Appeals may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.

(3) Nursing homes and convalescent facilities licensed by the State of New York.

(4) Stables and riding academies subject to Article XII, Section 3.

(5) Volunteer ambulance service facilities.

D. Accessory Uses Permitted by Right.

(1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.

(2) Accessory to a one-family residence, storage of not more than 1 unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article VII, Section 7.

(3) Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1-year old, not more than 2 horses over 6 months old, not more than 10 fowl, not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.

(4) Accessory parking subject Article VII, Section 10.

(5) Accessory loading subject to Article VII, Section 8.

(6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.

- (7) For any residence, home occupation or home professional office, one announcement sign not over four square feet in area and set back at least 10 feet from the designated street line. [Where illuminated, such signs shall be indirectly illuminated by a constant light integral to the sign.]
- (8) For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 5 feet from the designated street line.
- (9) Accessory to any permitted non-residential establishment, identification signs subject to the site development plan rules and regulations.

E. Additional Use Requirements.

- (1) A buffer with a minimum dimension of the respective required setback may be required as condition of approval for any [conditional or] special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit approval.

**5.2 RR-50 Rural Residential District Regulations
(Minimum 50,000 sq. ft./lot)**

A. Uses Permitted by Right.

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor or dust producing substance within a distance of 200 feet from any lot line:
 - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
 - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) Free-standing Place of Worship, parish houses and rectories, but not including schools of general instruction, religious instruction or buildings for religious instruction.
- (3) One-family detached residences, with not more than one principal residential building on a lot.
- (4) Community residence facilities, subject to Village Board approval as to site selection, pursuant to Section 41.34 of the Mental Hygiene Law.
- (5) Residential Place of Worship.
- (6) Neighborhood Place of Worship

B. Conditional Uses by Planning Board, subject to Articles XI and XII.

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of 3 acres or more.
- (3) Outdoor recreation facilities, including golf courses, tennis courts, ice-skating rinks, swimming pools, parks, playfields and ski areas, subject to Article XII, Section 5, but excluding miniature golf courses, batting cages, driving ranges and tennis ranges.
- (4) Accessory to outdoor recreation facilities, uses such as rest rooms, locker rooms, shelters and clubhouses for membership clubs.

- (5) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (6) Camps and day camps, subject to Article XII, Section 5.
- (7) Nursery schools.
- (8) One family detached residences subject to Section 7-738 of the Village Law pursuant to Article IV, Section 4. (Average Density)
- (9) Accessory home professional offices.
- (10) Libraries, museums and art galleries.
- (11) Family and group care facility (Non-Padavan).
- (12) Keeping, breeding and raising of cattle, including dairies, sheep, goats and horses on lots of 20 acres or more, but not within 100 feet of any lot line.

None of the foregoing shall be construed to permit the commercial raising of pigs or agricultural industries, such as cage-type poultry operations or processing of animal products not raised on premises.

- (13) Accessory home occupations.
- (14) Schools of general or religious instruction and buildings for religious instruction, provided that there shall be no residential uses upon the lot other than a guard or caretaker's dwelling.
- (15) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.

C. Uses by Special Permit of the Village Board or Zoning Board of Appeals (subject to Article XVI and Article XV, Section 2).

Village Board

- (1) Cemeteries on lots not exceeding ten (10) acres adjacent to an established cemetery or place of worship.

Zoning Board of Appeals

- (2) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Board of Appeals may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (3) Nursing homes and convalescent facilities licensed by the State of New York.
- (4) Stables and riding academies subject to Article XII, Section 3.
- (5) Volunteer ambulance service facilities.

D. Accessory Uses Permitted by Right.

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than 1 unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article VII, Section 7.
- (3) Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1-year old, not more than 2 horses over 6 months old, not more than 10 fowl, not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
- (4) Accessory parking subject to Article VII, Section 10.
- (5) Accessory loading subject to Article VII, Section 8.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, 1 announcement sign not over 4 square feet in area and set back at least 10 feet from the designated street line. Where illuminated, such signs shall be indirectly illuminated by a constant light integral to the sign.

- (8) For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 5 feet from the designated street line.
- (9) Accessory to any permitted non-residential establishment, identification signs subject to the site development plan rules and regulations.

E. Additional Use Requirements.

- (1) A buffer with a minimum dimension of the respective required setback may be required as condition of approval for any [conditional or] special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit approval.

**5.3 R-40 Low Density Residential District Regulations
(Minimum 40,000 sq. ft./lot)**

A. Uses Permitted by Right.

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor or dust producing substance within a distance of 250 feet from any lot line:
 - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
 - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) Free-standing Place of Worship, parish houses and rectories, but not including schools of general instruction, religious instruction or buildings for religious instruction.
- (3) One-family detached residences, with not more than 1 principal residential building on a lot.
- (4) Community residence facilities, subject to Village Board approval as to site selection, pursuant to Section 41.34 of the Mental Hygiene Law.
- (5) Residential Place of Worship.
- (6) Neighborhood Place of Worship.

B. Conditional Uses by Planning Board, subject to Articles XI and XII.

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of 3 acres or more.
- (3) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (4) Nursery schools.
- (5) One family detached residences subject to Section 7-738 of the Village Law pursuant to Article IV, Section 4. (Average Density)

- (6) Accessory home professional offices.
- (7) Libraries, museums and art galleries.
- (8) Family and group care facility (Non-Padavan).
- (9) Accessory home occupations.
- (10) Camps legally existing under the Ramapo code at the time of initial adoption of the Airmont Zoning Local Law in the R-40 districts are deemed conforming provided that within ninety (90) days of the effective date of this Local Law the owner or operator of the camp applies for any required approval, building permit or certificate of occupancy and demonstrates that all existing violations have been corrected or that the owner or operator has commenced to correct any violation that cannot reasonably be corrected within said ninety (90) days.
- (11) Schools of general or religious instruction and buildings for religious instruction, provided that there shall be no residential uses upon the lot other than a guard or caretaker's dwelling.
- (12) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.

C. Uses by Special Permit of the Village Board or Zoning Board of Appeals (subject to Article XVI and Article XV, Section 2).

Village Board

- (1) Cemeteries on lots not exceeding ten (10) acres adjacent to an established cemetery or place of worship.

Zoning Board of Appeals

- (2) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Board of Appeals may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (3) Nursing homes and convalescent facilities licensed by the State of New York.

(4) Stables and riding academies subject to Article XII, Section 3.

(5) Volunteer ambulance service facilities.

D. Accessory Uses Permitted by Right.

(1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.

(2) Accessory to a one-family residence, storage of not more than 1 unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article VII, Section 7.

(3) Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1-year old, not more than 2 horses over 6 months old, not more than 10 fowl, not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.

(4) Accessory parking subject to Article VII, Section 10.

(5) Accessory loading subject to Article VII, Section 8.

(6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.

(7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign not over four square feet in area and set back at least 10 feet from the designated street line. Where illuminated, such signs shall be indirectly illuminated by a constant light integral to the sign.

(8) For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 5 feet from the designated street line.

(9) Accessory to any permitted non-residential establishment, identification signs subject to the site development plan rules and regulations.

E. Additional Use Requirements.

(1) A buffer with a minimum dimension of the respective required setback may be required as condition of approval for any [conditional or] special permit use where

such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit approval.

**5.4 R-35 Low Density Residential District Regulations
(Minimum 35,000 sq. ft./lot)**

A. Uses Permitted by Right.

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor or dust producing substance within a distance of 250 feet from any lot line:
 - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
 - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) Free-standing Place of Worship, parish houses and rectories, but not including schools of general instruction, religious instruction or buildings for religious instruction.
- (3) One-family detached residences, with not more than 1 principal residential building on a lot.
- (4) Community residence facilities, subject to Village Board approval as to site selection, pursuant to Section 41.34 of the Mental Hygiene Law.
- (5) Residential Place of Worship.
- (6) Neighborhood Place of Worship.

B. Conditional Uses by Planning Board, subject to Articles XI and XII.

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of 3 acres or more.

- (3) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (4) Nursery schools.
- (5) One family detached residences subject to Section 7-738 of the Village Law pursuant to Article IV, Section 4. (Average Density)
- (6) Accessory home professional offices.
- (7) Libraries, museums and art galleries.
- (8) Family and group care facility (Non-Padavan).
- (9) Accessory home occupations.
- (10) Camps legally existing under the Ramapo code at the time of initial adoption of the Airmont Zoning Local Law in the R-35 districts are deemed conforming provided that within ninety (90) days of the effective date of this Local Law the owner or operator of the camp applies for any required approval, building permit or certificate of occupancy and demonstrates that all existing violations have been corrected or that the owner or operator has commenced to correct any violation that cannot reasonably be corrected within said ninety (90) days.
- (11) Schools of general or religious instruction and buildings for religious instruction, provided that there shall be no residential uses upon the lot other than a guard or caretaker's dwelling.
- (12) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.

C. Uses by Special Permit of the Village Board or Zoning Board of Appeals (subject to Article XVI and Article XV, Section 2).

Village Board

- (1) Cemeteries on lots not exceeding ten (10) acres adjacent to an established cemetery or place of worship.

Zoning Board of Appeals

- (2) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Board of Appeals may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (3) Nursing homes and convalescent facilities licensed by the State of New York.
- (4) Stables and riding academies subject to Article XII, Section 3.
- (5) Volunteer ambulance service facilities.

D. Accessory Uses Permitted by Right.

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than 1 unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article VII, Section 7.
- (3) Keeping domestic animals as follows: not more than a total of 5 cats or dogs over 1-year old, not more than 2 horses over 6 months old, not more than 10 fowl, not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
- (4) Accessory parking subject to Article VII, Section 10.
- (5) Accessory loading subject to Article VII, Section 8.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign not over four square feet in area and set back at least 10 feet from the designated street line. Where illuminated, such signs shall be indirectly illuminated by a constant light integral to the sign.

- (8) For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 5 feet from the designated street line.
- (9) Accessory to any permitted non-residential establishment, identification signs subject to the site development plan rules and regulations.

E. Additional Use Requirements.

- (1) A buffer with a minimum dimension of the respective required setback may be required as condition of approval for any [conditional or] special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit approval.

**5.5 R-25 Low Density Residential District Regulations
(Minimum 25,000 sq. ft./lot)**

A. Uses Permitted by Right.

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor or dust producing substance within a distance of 250 feet from any lot line:
 - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
 - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) Free-standing Place of Worship, parish houses and rectories, but not including schools of general instruction, religious instruction or buildings for religious instruction.
- (3) One-family detached residences, with not more than 1 principal residential building on a lot.
- (4) Community residence facilities, subject to Village Board approval as to site selection, pursuant to Section 41.34 of the Mental Hygiene Law.
- (5) Residential Place of Worship.

- (6) Neighborhood Place of Worship.

B. Conditional Uses by Planning Board, subject to Articles XI and XII.

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (3) Nursery schools.
- (4) One family detached residences subject to Section 7-738 of the Village Law pursuant to Article IV, Section 4. (Average Density)
- (5) Accessory home professional offices.
- (6) Libraries, museums and art galleries.
- (7) Family and group care facility (Non-Padavan).
- (8) Accessory home occupations.
- (9) Schools of general or religious instruction and buildings for religious instruction, provided that there shall be no residential uses upon the lot other than a guard or caretaker's dwelling.
- (10) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.

C. Uses by Special Permit of the Village Board or Zoning Board of Appeals (subject to Article XVI and Article XV, Section 2).

Village Board

- (1) Cemeteries on lots not exceeding ten (10) acres adjacent to an established cemetery or place of worship.

Zoning Board of Appeals

- (2) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Board of Appeals may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (3) Nursing homes and convalescent facilities licensed by the State of New York.
- (4) Stables and riding academies subject to Article XII, Section 3.
- (5) Volunteer ambulance service facilities.

D. Accessory Uses Permitted by Right.

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than 1 unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article VII, Section 7.
- (3) Keeping domestic animals as follows: not more than a total of 3 cats or dogs over 1-year old.
- (4) Accessory parking subject to Article VII, Section 10.
- (5) Accessory loading subject to Article VII, Section 8.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign not over four square feet in area and set back at least 10 feet from the designated street line. Where illuminated, such signs shall be indirectly illuminated by a constant light integral to the sign.
- (8) For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 5 feet from the designated street line.

E. Additional Use Requirements.

(1) A buffer with a minimum dimension of the respective required setback may be required as condition of approval for any [conditional or] special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit approval.

**5.6 R-15 Medium Density Residential District Regulations
(Minimum 15,000 sq. ft./lot)**

A. Uses Permitted by Right.

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor or dust producing substance within a distance of 250 feet from any lot line:
 - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
 - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) Free-standing Place of Worship, parish houses and rectories, but not including schools of general instruction, religious instruction or buildings for religious instruction.
- (3) One-family detached residences, with not more than 1 principal residential building on a lot.
- (4) Community residence facilities, subject to Village Board approval as to site selection, pursuant to Section 41.34 of the Mental Hygiene Law.
- (5) One-Family semi-attached residences, with not more than 1 principal residential building on a lot; such use shall be limited to vacant land only and shall not be permitted on land which is occupied by existing construction.
- (6) Residential Place of Worship.
- (7) Neighborhood Place of Worship.

B. Conditional Uses by Planning Board, subject to Articles XI and XII.

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Nursery schools.
- (3) One family detached residences subject to Section 7-738 of the Village Law pursuant to Article IV, Section 4. (Average Density)
- (4) Accessory home professional offices.

- (5) Libraries, museums and art galleries.
- (6) Family and group care facility (Non-Padavan).
- (7) Accessory home occupations.
- (8) Schools of general or religious instruction or buildings for religious instruction, provided that there shall be no residential uses upon the lot other than a guard or caretaker's dwelling.
- (9) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.

C. Uses by Special Permit of the Village Board or Zoning Board of Appeals (subject to Article XVI and Article XV, Section 2).

Village Board

- (1) Cemeteries on lots not exceeding ten (10) acres adjacent to an established cemetery or place of worship.

Zoning Board of Appeals

- (2) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Board of Appeals may permit outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (3) Nursing homes and convalescent facilities licensed by the State of New York.
- (4) Stables and riding academies subject to Article XII, Section 3.
- (5) Volunteer ambulance service facilities.

D. Accessory Uses Permitted by Right.

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.

- (2) Accessory to a one-family residence, storage of not more than 1 unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article VII, Section 7.
- (3) Keeping domestic animals as follows: not more than a total of 3 cats or dogs over 1-year old.
- (4) Accessory parking subject to Article VII, Section 10.
- (5) Accessory loading subject to Article VII, Section 8.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign not over four square feet in area and set back at least 10 feet from the designated street line. Where illuminated, such signs shall be indirectly illuminated by a constant light integral to the sign.
- (8) For any structure for sale or rent, 1 temporary non-illuminated "for sale" or "for rent" sign not over 15 square feet in area, located at least 5 feet from the designated street line.

E. Additional Use Requirements.

- (1) A buffer with a minimum dimension of the respective required setback may be required as condition of approval for any conditional or special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit approval.

ARTICLE IX

Site Development Plan Review

1. Approval required; exceptions.

No site development plan approval shall be required for single structure one-family detached residences on a lot or for additions, alterations or structures accessory thereto. All other principal uses and all conditional and accessory uses shall require site development plan approval prior to the issuance of a building permit. No certificate of occupancy or certificate of use shall be issued unless all requirements of the site development plan approval have been fully met. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required. Where required, site plans shall be referred to the Rockland County Department of Planning and other agencies.

2. Objectives.

In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare, the impact on the environment, the comfort and convenience of the public in general and of prospective occupants of the proposed development and of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this local law and accomplish the following objectives in particular:

- A. Traffic access.** All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and other similar safety considerations.
- B. Circulation and parking.** Adequate off-street parking and loading spaces will be provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.
- C. Landscaping and screening.** All recreation areas, parking and service areas will be reasonably screened or landscaped from the view of adjacent residential lots and streets at all seasons of the year. In addition, the Planning Board shall require such other landscaping and screening as may be required to protect the aesthetic environment of the surrounding properties and neighborhood.
- D. Compatibility.** Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving for parking.

- E. Environment. The design, layout and operational characteristics of the proposed use will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest extent possible, development will be in harmony with the natural environment and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project.
- F. Development. The site development plan elements, including buildings, parking, drainage, circulation, utilities, provision for emergency services, signs and lighting, will not adversely affect the potential of adjacent properties or the property under review from its highest and best use.
- G. Emergency services. Adequate provision shall be made for emergency services, including but not limited to, fire, police, ambulance, and protection against environmental hazards, through placement of building, roadway access, building access, internal circulation, protective systems such as sprinklers or other appropriate measures as may be determined by the Planning Board.

3. **Procedure.**

A. Preliminary site development plan review.

- 1. Prior to application for a building permit, certificate of occupancy or certificate of use, where required, site development plan approval shall be obtained from the Planning Board. The applicant may, at its option, submit an informal plan for discussion prior to a formal application for preliminary site development plan review. The site development plan rules and regulations provide detailed specifications as to application materials and requirements. For purposes of an informal submission, the applicant should provide as much information as possible, keeping in mind the specific criteria required in the site development plan rules and regulations. The informal submission shall not constitute a formal application, and no approval can be granted based on it. At this time, the applicant should outline any modifications he is requesting from the requirements specified in the site development plan rules and regulations.
- 2. The Planning Board will review the proposed plan and may grant informal concept approval with such conditions as are necessary to ensure conformity of said plans with the general and specific criteria set forth in this chapter and other applicable rules and regulations of the Village of Airmont. In reviewing a site development plan application which has been granted a special permit by the Town or Village Board of Appeals, the Planning Board shall ensure conformity with any special requirements.

3. Application for preliminary site development plan review shall be made on forms prescribed by the Planning Board and shall be accompanied by a fee in accordance with the Fee Schedule of the Village of Airmont. Such application shall be submitted to the Secretary to the Planning Board at least four (4) weeks prior to the Planning Board meeting at which review is sought. The Secretary shall determine if it is in the proper form and if so shall refer the application to such Village department, agencies and consultants as are necessary to evaluate the proposal and a consolidated report may be prepared for the Planning Board meeting. This report may be proposed by the Community Design Review Committee. Applications not complying with the requirements of the site development plan rules and regulations shall be rejected, in writing, within twenty-one (21) days after receipt of the application. A copy of such rejection shall be sent to the Planning Board.
4. Upon submission of a completed application, a public hearing on the preliminary site development plan shall be scheduled for the next available Planning Board meeting, but no later than 62 days following the submission of the completed application. Not less than ten (10) days prior to said public hearing, the applicant shall notify all owners of real property within five hundred (500) feet of the perimeter of the site, by certified mail, return receipt requested, of the date, time and place of such public hearing and shall place posters containing such information in visible locations on any public thoroughfare abutting the site at distances of two hundred (200) feet for a distance of five hundred (500) feet from the perimeter of the property. In addition, at least one such poster shall be posted on the site in a manner to be visible to the public. All such posters shall be removed from the site and from the public thoroughfares and returned to the Secretary to the Planning Board within twenty-four hours after the close of the public hearing to which they relate. Notice of such public hearing shall also be published in the official newspaper of the Village at least ten (10) days prior to the date of such hearing.
5. In the event that a conditional use approval is required, the Planning Board shall simultaneously consider both applications.
6. The Planning Board shall approve the preliminary site development plan application, approve it with modifications or deny the application within sixty (62) days after the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The Planning Board may impose such conditions as are necessary to ensure conformity with

the general and specific criteria set forth in this local law and in other applicable laws, rules and regulations of the Village. Approval of a preliminary site development plan application shall not vest any rights in the applicant and shall not preclude the Planning Board from denying or modifying the final site development plan submitted by the applicant.

B. Final site development plan review.

1. Notwithstanding the provisions of Section 7-725 of the Village Law of the State of New York, no application for final site development plan review shall be submitted by an applicant prior to approval or approval with modifications of a preliminary site development plan application for the site. The final site development plan application shall contain all modifications and conditions required by the Planning Board in its preliminary approval.
2. An application for the final site development plan review shall be made in the same manner as prescribed for preliminary approval as set forth in Section 3 hereinabove and in the site development plan rules and regulations. The Planning Board shall follow the same procedure in Section 4 hereinabove except that the Planning Board may waive the Public Hearing.

4. Signing and Filing.

Upon submission of the approved [final] site development plan with modifications required by the Planning Board in its [final] approval, and upon satisfaction of any conditions imposed in such approval, and after review by the appropriate Village departments, agencies and consultants, the Chairman of the Planning Board shall sign the approved site development plan and file one copy with the Building Inspector. No site plan shall be signed, however, until all public hearing posters have been returned to the Secretary to the Planning Board.

5. Amendments to approved plans.

An application for an amendment or revision of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the procedures set forth in Section 3 and 4 of this Article. All applications shall be accompanied by fees as set forth in the Fee Schedule of the Village of Airmont.

6. Site improvements.

- A. The Planning Board shall require that on or off-site improvements be installed, including but not limited to on or off-site drainage systems to ensure that all drainage, storm runoff and sub-surface waters are carried into approved watercourses and drainage systems. The Planning Board shall further require

that all such on or off-site improvements and/or drainage systems be installed on property granted to the Village in fee, easement or otherwise, as determined by the Planning Board.

- B. No certificate of occupancy or use shall be issued for the site until all the improvements shown on the site development plan, including off-site improvements, have been duly installed and approved and all easements and property interests granted or offered for dedication.
- C. A partial and/or temporary certificate of occupancy or use for periods of ninety (90) days, but not more than one (1) year in the aggregate, for a building or structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit or Letter of Credit to ensure and guarantee the completion of the improvements. The Building Inspector shall determine the amount of such cash deposit or Letter of Credit.
- D. The site shall be developed in strict conformity with the approved site development plan except that a field change may be approved by the Building Inspector or other appropriate Village inspection agency, upon request of the applicant in writing (see definition of "field change"). No field change shall be valid unless approved by the chairman of the Planning Board or in his absence, by the Vice Chairman and a copy of the requested change has been filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five (5) days of such approval.

7. Site maintenance.

It shall be the duty of every property owner to maintain his/her property in conformity with the approved site development plan. Failure to do so shall constitute a violation of this local law.

8. Expiration of site plan approval.

- A. Final Site development plan approval shall expire five (5) years from the date of the signing of said plan by the Chairman of the Planning Board unless certificates of occupancy for all structures and for the site have been issued by the Building Inspector. An application for an extension of said five (5) year period may be made to the Planning Board not earlier than six (6) months prior to said expiration date. Upon good cause shown, the Planning Board may, in its discretion, grant a reasonable extension of time for completion of all on and off-site improvements.

B. All final site development plans approved and signed by the Chairman of the Town Planning Board prior to July 1, 1990, shall expire on July 1, 1995 unless certificates of occupancy for all structures and for the site have been issued by the Building Inspector on or before July 1, 1995. An application for an extension of said expiration date may be made to the Planning Board not earlier than January 1, 1995. Upon good cause shown, the Planning Board may, in its discretion, grant a reasonable extension of time for completion of all on and off-site improvements.

ARTICLE XVIII**Word Usage****1. General word usage.**

- A. Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of Webster's New Collegiate Dictionary. Terms of law shall have the meanings as set forth in the latest edition of Black's Law Dictionary.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the singular number include the plural; words used in the plural number include the singular; the word "herein" means in this local law; the word "requirements" means local law; and the words "this local law" shall mean this local law and the maps included herein as enacted or subsequently amended.
- C. The word "person" as used in this local law, shall be defined to include, but not be limited to, an individual, a partnership, a joint venture, a corporation, an unincorporated association, a firm or any other form of entity, contractors, subcontractors or journeymen; "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."
- D. The "Village" is the Village of Airmont in the County of Rockland, State of New York; the "Village Board," "Board of Appeals," "Planning Board" and "Building Inspector" are respectively the Village Board, Board of Appeals, Planning Board and Building Inspector of the Village. The "Town" is the Town of Ramapo in the County of Rockland, State of New York.
- E. "Article," as a term of reference in this local law, refers to this local law.
- F. "Shall" is always mandatory, except when applied to public officials, in which event "shall" is directory. "Time requirements" shall, nevertheless, be considered mandatory.

2. Definitions.

As used in the local law, the following terms shall have the meanings indicated:

ACCESSORY - The term applied to a building, structure or use which is clearly incidental or subordinate to, and customarily in connection with, the principal building, structure or use and which is located on the same lot with the principal building, structure or use. Any "accessory" building or structure attached to a principal building or structure is deemed to be part of such principal building or structure in applying the bulk requirements to such building or structure. No use shall be considered "accessory" where such use requires a greater area of a lot or larger

RESIDENCE - A building or part thereof designated, used or occupied for one (1) or more dwelling units, but not including tourist home, hotel, motel, tourist cabin, summer colony or trailer.

RESIDENCE, MULTIFAMILY - A building which is designed, used or occupied for residential purposes for more than two (2) dwelling units.

RESIDENCE, ONE-FAMILY - A building designed, used or occupied for residential purposes for one (1) dwelling unit only.

RESIDENCE, ONE-FAMILY DETACHED - A one-family residence which is separated from other buildings by open space.

RESIDENCE, ONE-FAMILY SEMIATTACHED - A building or structure which comprises one (1) dwelling unit for one (1) family and which is attached or connected to another dwelling unit for one (1) family at their common property line by means of a party wall, the length of which represents at least fifty percent (50%) of the total sidewall length of which the party wall is a part, and which is separated from any other building or structure by open space on the side lot line opposite the party wall and by open space on the front and rear lot lines. Each dwelling unit must be on its own lot. No certificate of occupancy shall be issued for a "one-family semi-attached residence" until such time as the Building Inspector finds the other dwelling unit to be substantially complete.

RESIDENCE, TWO FAMILY DETACHED - A building which is designed, used or occupied for residential purposes for two (2) dwelling units.

RESIDENTIAL PLACE OF WORSHIP - An area located within a residence that is used for the conducting of religious services. It is the intent of this Local Law that the presence of pedestrians walking to and from religious services at a Residential Place of Worship shall not in and of itself constitute a change in the residential character of the neighborhood.

RESTAURANT - A fully enclosed building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public for consumption on the premises and where regular table service is provided.

RESTAURANT, FAST FOOD - Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carryout, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or